

Text of Proposed Emergency Regulations

In the following text, underlining indicates adopted or amended text; and strikethrough indicates deleted text.

Section 3000 is amended to read:

3000. Definitions.

The definition below is alphabetically merged in the regulations and is adopted to read:

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Religious Review Committee (RRC) means a committee formed and maintained at each institution that reviews and reaches a decision regarding requests for reasonable accommodation and/or access to religious services.

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NOTE: Authority cited: Sections 2717.3, 5058, and 5058.3, Penal Code; Section 10115.3(b), Public Contract Code; and Section 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 530, 532, 646.9, 653m, 832.5, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 4570, 5009, 5054, 5068, and 7000 et seq., Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3, and 10127, Public Contract Code; and Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; *In re Bittaker*, 55 Ca.App. 4th 1004, 64 Cal.Rptr. 2d 679; and Section 11007, Health and Safety Code.

Section 3062 is amended to read:

3062. Inmate Grooming Standards

Subsection 3062(a) is unchanged.

(a) An inmate's hair shall be clean, neatly styled, and groomed, as specified in these regulations, when he/she is away from the immediate area of his/her quarters.

Subsection 3062(b) is amended to read:

(b) An inmate's hair shall have no lettering, numbering, or designs of any kind cut, shaved, dyed, painted or in any way placed in the hair, on the scalp or face of the inmate.

Subsection 3062(c) is unchanged.

(c) An inmate shall not alter the appearance of his or her hair by changing its natural color.

Subsection 3062(d) is amended to read:

(d) An inmate shall not possess a wig or hairpiece unless deemed medically necessary by the Chief Medical Officer and authorized, in writing, by the appropriate division of adult institutions' Regional Administrator associate director.

Existing subsection 3062(e) is deleted.

~~(e) A male inmate's hair shall not be longer than three inches and shall not extend over the eyebrows or below the top of the shirt collar while standing upright. Hair shall be cut around the ears, and sideburns shall be neatly trimmed, and shall not extend below the mid point of the ear. The width of the sideburns shall not exceed one and one half inches and shall not include flared ends.~~

Existing subsection 3062(f) is renumbered to 3062(e) and amended to read:

~~(ef)~~ An female inmate's hair may be any length but shall not extend over the eyebrows, cover the inmate's face or pose a health and safety risk ~~or below the bottom of the shirt collar while standing upright~~. If hair is long, it shall be worn ~~up~~ in a neat, plain style, which does not draw undue attention to the inmate.

Existing subsection 3062(g) is renumbered to 3062(f) and amended to read:

~~(fg)~~ An female inmate may possess and use approved hair holding devices based on Section 3190 ~~(such as but not limited to, barrettes, pins, clips, and bands)~~. ~~If used, hair holding devices shall be unadorned, transparent, or similar in color to the hair. Beads or similar ornaments are not authorized for use in the hair.~~

New subsection 3062(g) is adopted to read:

(g) An inmate with hairstyles, including but not limited to braids, cornrows, ponytails, or dreadlocks, shall be required to unbraid, undo, or take down their hair, as applicable for thorough inspections, as instructed by custody staff to ensure hair is free of contraband.

Existing subsection 3062(h) is deleted.

~~(h) An inmate's face shall be clean shaven at all times except as follows:~~

Existing subsection 3062(h)(1) is renumbered to 3062(h) and is amended to read:

~~(h1) Facial hair, including short beards, Mustaches, and sideburns are permitted for male inmates and shall not extend below the top of the upper lip, and shall extend to the corner of the mouth but not more than one-half inch in length outward from the face. beyond the corner of the mouth.~~

Existing subsection 3062(h)(2) is deleted.

~~(2) An exemption from shaving shall only be authorized by the institution's Health Care Manager or Chief Medical Officer and only when an exemption is deemed medically necessary by a physician. Such exemption shall not exceed one year. If the condition persists, another exemption request shall be submitted. Facial hair permitted by such an exemption, shall not exceed 1/4 inch in length.~~

Subsection 3062(i) is amended to read:

(i) An inmate who is assigned to work in food preparation, processing or serving areas, and/or around machinery, or in high fire hazard areas, may be required, for safety and sanitation reasons, to further limit his/her grooming in order to properly wear such health and safety equipment, as is deemed necessary by staff, including but not limited to, hair nets, safety head coverings, etc.

Subsection 3062(j) is unchanged.

(j) An inmate's fingernails shall not extend more than 1/4 inch beyond the tips of the fingers. Nails shall be neat and clean. Female inmates may be permitted to wear only clear nail polish.

Subsection 3062(k) is amended to read:

(k) An inmate may not pierce any part of his/her body for the purpose of wearing an earring or other jewelry. A male inmate may not possess or wear earrings. A female inmate may wear authorized earrings with only one matching earring worn in each ear. An inmate shall not possess or wear any type of jewelry or other object intended to be worn as a body piercing adornment.

Subsections 3062(l) through 3062(m) are unchanged.

(l) A female inmate may wear cosmetics that blend with or match the natural, non-ruddy skin tone. False eyelashes are not permitted.

(m) An inmate who fails to comply with these grooming standards may be deemed a program failure, pursuant to Section 3062, subject to progressive discipline and classification committee review for appropriate housing and program placement. Physical force shall not be used to enforce compliance with these regulations, except as permitted by existing law or with a court order.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code, Warsoldier v. Woodford, Case No.: 04-55879, DC No. CV-04-02233-RSWL, (July 2005) and In re Corey Williams, Case No.: SC133840A, (February 2004).

Section 3075 is amended to read:

3075. Initial Intake.

Subsections 3075(a) through 3075(b) are unchanged.

(a) Inmates received by the department shall be accompanied by either a copy of the minute order or an abstract of the judgment certified by the clerk of the court or judge. The inmate's identity shall be verified by staff to prevent inadvertent acceptance of a person not legally committed to the department.

(b) Upon staff's receipt of an inmate's cash, personal securities and property, a CDC Form 104 (Rev. 4/77), Inmate Property and Cash Receipt—Arrival, shall be completed.

Subsection 3075(c) is amended to read:

(c) Each inmate shall be photographed and an identification card prepared. The identification photo shall be updated every five years or when there is a distinct change in the inmate's appearance." An inmate who noticeably changes his/her appearance will be charged for the cost of the updated identification photo/card, if the distinct change occurs anytime within the five year period.

Subsection 3075(d) is unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1216, 2081.5, 2901, 3058.5, 4537 and 5054, Penal Code.

Section 3210 is amended to read:

3210. Establishment of Religious Programs.

Subsection 3210(a) initial sentence is amended to read:

(a) Institution heads shall make every reasonable effort to provide for the religious and spiritual welfare of all interested inmates, including, but not limited to, affording inmates a reasonable accommodation to attend a scheduled Religious Service if they are unable to do so due to conflicting work/education assignments. Reasonable accommodation may include, but is not limited to, modified work schedule, use of accrued time or allowable breaks, granting of a job/assignment change, changes of regular days off, etc. Use of reasonable accommodation shall in no way adversely impact an inmate's credit earning status.

Existing secondary sentence of subsection 3210(a) is renumbered to new subsection (b).

(b) Depending on the number of inmates of the various faiths, chaplains may be employed or their services may be accepted on a nonpaid volunteer basis. When feasible, separate space for services of the faith groups represented by a substantial number of

inmates shall be provided. However, in some facilities, such as camps, it shall be necessary for the faith groups to share such space as is available for religious services.

Existing subsection 3210(b) is renumbered to new subsection 3210(c) and amended to read:

(~~b~~c) Reasonable time and accommodation shall be allowed for religious services in keeping with facility security and other necessary institutional operations and activities. Insofar as possible, other facility activities shall be planned so as not to conflict with or disrupt scheduled religious services.

Subsection 3210(d) is adopted to read:

(d) A request for a religious service accommodation that requires a specific time, location and/or item(s) not otherwise authorized, will be referred to a Religious Review Committee (RRC) for review and consideration. The RRC shall be comprised of designated chaplains, and a correctional captain or their designee. Accommodation for religious services that are not granted, shall be for reason(s) which would impact facility/unit safety and security, and orderly day to day operations of the institution.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code, and Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, *et seq.*